



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

September 22, 2004

Colonel Timothy J. Gallagher
District Engineer
U.S. Army Corps of Engineers
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: POA-1997-43-N
Taiya Inlet 31

Attn: John Klutz

Dear Colonel Gallagher:

The National Marine Fisheries Service (NMFS) has reviewed the above referenced proposal by the City of Skagway to dredge areas of the Skagway small boat harbor to prevent floating dock groundings, remove deteriorated structures and construct new ones, and create fast land for parking and pedestrian use. The project would involve dredging up to 3,000 cubic yards of material at two locations - one 0.11 acres and one 0.25 acres - and using this dredged material along with clean fill material to create fast land behind a sheet pile seawall. The project would use 870 linear feet of steel sheet pile to construct a new seawall facing of the southeast harbor. Additionally 160 linear feet of seawall would be placed at the south end of the harbor, and 135 linear feet of sheet pile would be placed at the north end of the harbor under the ramp access and along the toe of the proposed riprap. Old pilings would be removed and new pilings would be installed as needed. Dredged material and clean fill materials will be used to backfill the area between the new seawall and the high tide line, creating approximately 0.9 acres of new fast land for parking and pedestrian access.

Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act requires Federal agencies to consult with NMFS on all actions that may adversely affect Essential Fish Habitat (EFH). NMFS is required to make conservation recommendations, which may include measures to avoid, minimize, mitigate or otherwise offset adverse effects. The Corps has determined that 0.9 acres of EFH for juvenile and adult salmon would be adversely affected [eliminated] by this proposed action. Accordingly, we offer the following EFH Conservation Recommendations pursuant to Section 305(b)(4)(A) of the Magnuson-Stevens Act.

1. Parking and pedestrian access are not water dependant functions, so conversion of intertidal habitat to fast land for this purpose should not be permitted unless the applicant demonstrates that wetland fill has been avoided and/or minimized. If impacts to wetlands are unavoidable and minimized, NMFS recommends that the Corps require compensatory mitigation for wetland losses. The public notice states that an opportunity exists to work with the Taiya Inlet Watershed Council to improve fish access and riparian habitat along Pullen Creek. NMFS requests an



opportunity to review the City of Skagway's mitigation proposal for habitat improvements on Pullen Creek.

2. The use of any wood that has been surface or pressure-treated with creosote or treated with pentachlorophenol should be prohibited. Creosote contains numerous constituents that are toxic to aquatic organisms including polycyclic aromatic hydrocarbons (PAHs), phenolic compounds, and nitrogen- sulfur- or oxygenated heterocyclics (Poston, 2001). Leaching of these constituents continues throughout the life of the wood and has been associated with the development of tumors, immune system suppression, decreased fecundity and abnormal embryonic development. Pentachlorophenol has high chronic toxicity to aquatic life.

3. Alternatives to treated wood that have no or reduced toxicity should be used wherever practicable.

4. If treated wood must be used, any wood that comes in contact with marine or aquatic environments should be treated with waterborne preservatives approved for use in aquatic and/or marine environments. The applicant should only use wood that has been treated in accordance with best management practices developed by the Western Wood Preservers Institute. Treated wood should be inspected before installation to ensure that no superficial deposits of preservative material occur on the wood.

5. Over-water structures should be designed to prevent abrasion and splintering of wood.

6. All cutting and boring of treated wood should take place in upland areas; all waste materials should be kept out of the aquatic environment and be properly disposed of upland. Treated wood materials should not be stored in-water. Any cut wood, chips or sawdust from treated wood should be collected promptly and disposed of at an acceptable upland site.

7. All work below the high tide line should be limited to low tidal stages to reduce turbidity.

8. No in-water work should be permitted from March 15 through June 15 of any year to protect out migrating salmon and spawning eulachon, an important forage fish species that spawns in the Skagway River

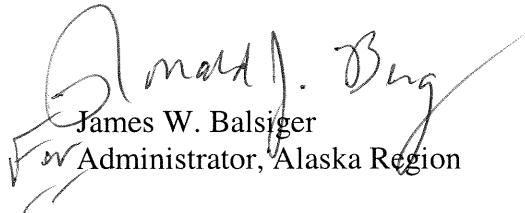
9. Dredging would be conducted using a clamshell dredge. Silt curtains should be installed and maintained to prevent siltation of waters outside the immediate work area and dredging should be conducted during low tide periods to minimize siltation.

10. Hollow steel piles can generate underwater sound waves that are damaging and/or fatal to fish. NMFS recommends that pile driving not be conducted during the March 15 to June 15 in-water work closure, unless a bubble curtain can be installed and maintained to reduce sound energy to levels not harmful to rearing and migrating fish. Vibratory hammers produce less noise energy than impact hammers to drive piles and should be used if feasible, considering sediment types, pile design and depth.

Under section 305(b)(4) of the Magnuson-Stevens Act, the Corps is required to respond to NMFS EFH recommendations in writing within 30 days. If the Corps will not make a decision within 30 days of receiving NMFS EFH Conservation Recommendations, the Corps should provide NMFS with a letter within 30 days to that effect, and indicate when a full response will be provided.

If you have any further questions, please contact Sue Walker at 907-586-7646 or susan.walker@noaa.gov.

Sincerely,



James W. Balsiger
For Administrator, Alaska Region

cc: Applicant
EPA Juneau, Chris Meade
ADF&G, Janet Schempf
ADEC, AADGC, ADNRR, USFWS, Juneau

References:

Poston, Ted. 2001. *Treated Wood Issues Associated with Overwater Structures in Marine and Freshwater Environments*. White Paper, Washington Department of Fish and Wildlife.
<http://wdfw.wa.gov/hab/ahg/overwatr.htm>